

NOT TO BE PUBLISHED

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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA
THIRD APPELLATE DISTRICT
(San Joaquin)

THE PEOPLE,

Plaintiff and Respondent,

v.

ADRIAN LEJON JOHNSON,

Defendant and Appellant.

C059198

(Super. Ct. No. SF107964A)

On April 15, 2008, the victim arrived home where he lived with his mother to find defendant Adrian Lejon Johnson in an upstairs bedroom. The victim did not know defendant and defendant did not have permission to be inside the residence. Inside the residence, officers found a pillow case which contained \$218, CD players, and a clock. Defendant admitted to officers that he had broken into the victim's home and that the pillow case contained items he had planned to take. In 1999 in Sacramento County, defendant was convicted of 36 counts of first degree burglary.

Defendant entered a negotiated plea of guilty to first degree burglary (Pen. Code, § 459; undesignated section references are to the Penal Code) and admitted he had sustained

a strike prior (§§ 667, subds. (b)-(i), 1170.12), two prior felony convictions (§ 667, subd. (a)), and a prior prison term (§ 667.5, subd. (b)), in exchange for dismissal of the remaining counts and a stipulated state prison term of 23 years. The court sentenced defendant to state prison accordingly.

Defendant appeals. His request for a certificate of probable cause (§ 1237.5) was denied.

We appointed counsel to represent defendant on appeal. Counsel filed an opening brief that sets forth the facts of the case and requests this court to review the record and determine whether there are any arguable issues on appeal. (*People v. Wende* (1979) 25 Cal.3d 436.) Defendant was advised by counsel of the right to file a supplemental brief within 30 days of the date of filing of the opening brief. More than 30 days elapsed, and we received no communication from defendant. Having undertaken an examination of the entire record, we find no arguable error that would result in a disposition more favorable to defendant.

DISPOSITION

The judgment is affirmed.

_____, J.
SIMS

We concur:

_____, P. J.
SCOTLAND

_____, J.
NICHOLSON